

# WILL WORKSHEET

## PRIVACY ACT STATEMENT

AUTHORITY: Title 10, USC Section 3013. PRINCIPLE PURPOSE: To assist the attorney in preparing legal documents for the client and to prepare statistical reports on legal assistance services. ROUTINE USES: To provide legal advice and to prepare legal documents for the client. DISCLOSURE: Is voluntary; however, nondisclosure may preclude the legal assistance desired by the client.

**THIS IS NOT A WILL! THIS IS ONLY A WORKSHEET! IT WILL PROVIDE THE NECESSARY INFORMATION TO PROPERLY DRAFT YOUR WILL. IF YOU HAVE ANY QUESTIONS WHICH ARE NOT ANSWERED BY THIS WORKSHEET, PLEASE WRITE THEM DOWN IN THE SPACE PROVIDED AND DISCUSS THEM WITH THE ATTORNEY.**

While filling out this worksheet, make sure you (1) read everything, (2) note questions that you have, (3) when given options, circle the appropriate answer, and (4) print clearly, using capital letters. Also, when giving someone's name, print their full name and their relationship to you.

PRINT YOUR FULL NAME: \_\_\_\_\_  
(FIRST, MIDDLE, LAST, SR, JR, III, etc.)

Social Security Number: \_\_\_\_\_ Sex: Male Female

Status (circle one): Active Duty Spouse of Active Duty

Retiree Other: \_\_\_\_\_

If you are the Spouse of an Active Duty soldier, have you ever served on Active Duty?  
No Yes

Married? No Yes -- Spouse's Full Name: \_\_\_\_\_

Children? No Yes -- Children's or Stepchildren's names and their relationship to you:

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**WHAT IS A WILL?** A Will is a legal document that allows you to determine how your property will be distributed and who will be responsible for the care of your children upon your death. The terms of the Will do not take effect until you die. Please note, however, that some things are not controlled by your Will. For example, life insurance proceeds will be distributed directly to those who you have designated in the insurance policy, regardless of what your will states. Also, jointly owned property will usually automatically be transferred to the other joint owner.

**WHY SHOULD I MAKE A WILL?** If you die without a Will, you do not have any say in how property will be distributed or who will take care of your children. Instead, your property will be distributed in accordance with a formula fixed by the laws of your state, and a state court will decide who will receive custody of your children. Additionally, the cost associated with distributing your property may be greater if you do not have a will. Note, however, that the decision to make a Will is strictly a personal one; no one can be ordered or required to have a Will.

Do you currently have a will?      No                      Yes

Do you own any real estate?      No                      Yes

### **LEGAL RESIDENCE**

**WHAT IS MY LEGAL RESIDENCE?** Your legal residence is the state in which you have your true, fixed, and permanent home and to which you intend to return. Some of the indicators of one's residence are voting, paying taxes, owning property, registering your car, etc. Because this determination is very important for properly drafting your Will, you should discuss it with your attorney if you are not sure of your legal residence.

State of Legal Residence: \_\_\_\_\_

### **PERSONAL REPRESENTATIVE**

**WHAT IS A PERSONAL REPRESENTATIVE?** A personal representative (or executor) is a person (18 years or older) who you name in your Will to supervise the distribution of your property and carry out desires expressed in your Will. He or she is also responsible for paying any funeral expenses, court costs, taxes, and debts that you may owe. These expenses are paid with money from your estate.

**WHO SHOULD I PICK AS MY PERSONAL REPRESENTATIVE?** Choose your personal representative with care. Your personal representative will have an important role; therefore, you should name someone you trust and in whom you have confidence. Many married people name their spouse as their personal representative. However, regardless of who you name, you should discuss the matter with him or her before you make your will.

Who do you wish to name as personal representative of your Will:

Spouse

Other

(Name and relationship to you)

Name (and relationship) of alternate: \_\_\_\_\_

Are either of the above named people residents of your state? Yes No

### **BENEFICIARIES**

**WHO SHOULD I DESIGNATE AS MY BENEFICIARIES?** A beneficiary is a person to whom you leave property in your Will. You may state in your Will that you are leaving your property to anyone you wish. However, there are laws in many states which may give your spouse and/ or your children an automatic right to a portion of you property regardless of what your Will declares.

- If you are married, you should consider naming your spouse as primary beneficiary. If you also have children, you should consider naming them as alternate beneficiaries. Alternate beneficiaries will only receive your property if everyone named before them should pass away before you.

**IF MY CHILDREN ARE MINORS, CAN I STILL DESIGNATE THEM AS BENEFICIARIES?** Yes! You can name someone to be a financial custodian to manage any money or property that you leave to any child under 18 years old. Note, however, that if you do not specifically name your children as beneficiaries, they will have no legal right to the property.

**CAN I GIVE SPECIFIC THINGS TO SPECIFIC PEOPLE?** Yes. You can make specific bequests in your Will by fully describing both what you want to give and the person who is to receive it. You should be careful about making specific bequests. If you dispose of the property that you describe in your Will before you die, or if there is any doubt about the exact property that you have described, you may be creating difficulties for your personal representative. Therefore, you should discuss with your attorney whether you should make specific bequests in your Will. If you are considering making any specific bequests, please attach a separate sheet of paper with a detailed description of the property.

**CAN I WRITE A LETTER OF INSTRUCTION TO MY PERSONAL REPRESENTATIVE TO DISTRIBUTE MY PROPERTY IN A CERTAIN WAY?** Yes. In your Will, you can advise your personal representative that, in addition to your Will, you have left a non-binding memorandum of instruction for him or her to consider in deciding how to distribute your property. There are certain formalities to follow when drafting this non-binding memorandum of instruction; consequently, you should discuss this option with your attorney.

Who would you like to receive your property when you die?  
(circle or print full name(s) and relationship)

All to:        Spouse                Children                Other: \_\_\_\_\_

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1<sup>st</sup> Alternate:                      Children                Other: \_\_\_\_\_

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- Remember, alternate beneficiaries will only receive your property if everyone named before them should pass away before you.

Last Resort. If everyone you have named so far passes away before you, how do you want your property to be divided? Check one of the following:

\_\_\_\_\_ To my Heirs -- (Property will be divided among your remaining family members according to the laws of your state.)

\_\_\_\_\_ To a Charity -- (name and location): \_\_\_\_\_

### **GUARDIAN**

**WHAT IS A GUARDIAN?** A legal guardian is the person who will act as parent for any of your children who are minors at the time of your death. Normally, if the children's natural or adoptive parent survives you, he or she will become the children's guardian. However, it is recommended that you name a guardian and an alternate guardian in the event that your children's other natural or adoptive parent predeceases you.

**WHO SHOULD I NAME AS GUARDIAN FOR MY CHILDREN?** You should choose your children's guardian (and alternate guardian) with extreme care. You should discuss the decision with both your spouse and the person you are thinking of naming as guardian, do not automatically assume that you parents or any other relative will be suitable guardians. In making your decision, you should consider such factors as the guardian's age, religion, financial situation, and current relationship with you children.

Additionally, you and your spouse should agree on who should be guardian of your children. If you both die in a car accident and your Wills designated different guardians, then a court would have to decide who will be the children's guardian. That would cause undue hardship, both financial and emotional, on all the parties concerned.

Do you have children from a previous relationship?        Yes                No

Does your spouse?                      Yes                No

Who do you desire to appoint as guardian of your minor children:

Your Spouse?                      Yes                No

Someone else? \_\_\_\_\_

Alternate Guardian: \_\_\_\_\_

### **ADDITIONAL ISSUES / QUESTIONS**

Note anything else about your Will that you want to discuss with your attorney:

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